



Contact: Alicia Hall
Phone: (02) 9860 1587
Email: alicia.hall@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2016_WOLLY_003_00 (16/09541)
Your ref: TRIM 8757 NA:DS

Mr Luke Johnson
General Manager
Wollondilly Shire Council
62-64 Menangle Street
Picton NSW 2571

Attention: Nicole Aiken

Dear Mr Johnson

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter of 15 July 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend *Wollondilly Local Environmental Plan 2011* to rezone 600 West Parade, Buxton, from RU1 Primary Production to R5 Large Lot Residential and E3 Environmental Management and to identify part of the site on the natural resources-biodiversity map.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction. Should approval be required to meet the requirements of other Directions following agency consultation, Council is to seek the approval of the Secretary prior to the plan being made.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Alicia Hall of the Department's Sydney Region West office to assist you. Ms Hall can be contacted on (02) 9860 1587.

Yours sincerely



09/08/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl:

Gateway determination

Written authorisation to exercise delegation

Reporting template for delegated Local Environmental Plan amendments

Gateway Determination

**Planning proposal (Department Ref: PP_2016_WOLLY_003_00): to rezone
600 West Parade, Buxton**

I, the Director, Sydney Region West, Planning Services, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Wollondilly Local Environmental Plan 2011* to rezone 600 West Parade, Buxton from RU1 Primary Production to R5 Large Lot Residential and E3 Environmental Management, should proceed subject to the following conditions:

1. Prior to public exhibition:
 - (a) Council is to undertake an appropriate study and amend the planning proposal to indicate the exact boundary of the proposed R5 Large Lot Residential and E3 Environmental Management zones on the following maps:
 - Land Zoning;
 - Maximum Building Height; and,
 - Natural Resources-Biodiversity;
 - (b) address State Environmental Planning Policy No. 44 - Koala Habitat Protection and amend the planning proposal accordingly;
 - (c) address State Environmental Planning Policy No. 55 - Remediation of Land within the planning proposal and prepare a preliminary site contamination assessment; and,
 - (d) following preparation of the other supporting studies identified in the planning proposal (refer to page 12), amend the planning proposal, if necessary.
2. To comply with the requirements of Section 117 Direction 4.4 Planning for Bushfire Protection, prior to public exhibition, consultation is to occur with the NSW Rural Fire Service.
3. Prior to undertaking public exhibition Council is to consult with the Office of Environment and Heritage to ensure consistency with Section 117 Directions 2.1 Environmental Protection Zones and 2.3 Heritage Conservation.
4. Prior to undertaking public exhibition, Council is to consult with Water NSW and Sydney Water to ensure consistency with Section 117 Direction 5.2 Sydney Drinking Water Catchments, and *SEPP – Sydney Drinking Water Catchment 2011* and update the planning proposal accordingly.
5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and or to comply with the requirements of the relevant s117 Directions and SEPPs:
 - Department of Primary Industries – Lands
 - Office of Environment and Heritage – Environment and Heritage Divisions
 - Rural Fire Service
 - Water NSW
 - Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

Should the public authority require any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

6. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - the planning proposal must be made publicly available for a minimum of 28 days; and
 - the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 9th day of August 2016



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Written Authorisation to Exercise Delegation

Wollondilly Shire Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WOLLY_003_00	Planning proposal to rezone 600 West Parade, Buxton

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Dated 9th of August 2016



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Planning Proposal for 600 West Parade, Buxton under Wollondilly Local Environmental Plan 2011

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_WOLLY_003_00
Date Sent to Department under s56	15/07/2016
Date considered at LEP Review Panel	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: